

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
21.56.010 Authority and Purpose Section A Approval of Exterior Changes	The Mayor and City Council of the City of Annapolis, Maryland, derives authority for this chapter by virtue of its conformance with provisions of the State of Maryland Enabling Act for historic Area Zoning, the Land Use Article, Annotated Code of Maryland, as amended.	The City Council of the City of Annapolis, Maryland, derives authority for this chapter from the State of Maryland Enabling Act for historic Area Zoning, the Land Use Article, Title 8 "Historic Preservation" Annotated Code of Maryland, as amended.	City Council by definition includes the Mayor and therefore the latter was removed (see City Code, Sec 1.04.020 "Definitions"). The City obtains authority to adopt Chapter 21.56 from State Law, not by virtue of its conformance with its provisions. An updated reference to state law was added. [6]
	The preservation of sites, structures, and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose.	The preservation of landmarks, sites, structures, and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose. Accordingly, it is the purpose of this chapter to establish procedures necessary to preserve such landmarks, sites, structures and districts in order to preserve the historic character of the City of Annapolis.	One of the main objectives for revisions is to improve the process for designating landmark resources within the city limits. Therefore including landmarks in the purpose section seems appropriate. For consistency sake, landmarks will be added throughout the ordinance wherever currently the language is "sites, structures and districts". The purpose clause has been expanded to reference the development of procedures to implement the ordinance. [2,3]
	It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Annapolis by preserving sites, structures, or districts which reflect the elements of the City's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values in and around such historic areas; to foster civic beauty, and to preserve and promote the preservation and appreciation of historic sites, structures and districts for the education and welfare of the citizens of the City.	It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of the City of Annapolis by preserving landmarks, sites, structures, and districts that reflect elements of the City's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values of those landmarks, sites, structures and districts; to foster civic beauty, and to promote the preservation and appreciation of those landmarks, sites, structures and districts for the education and welfare of the residents of	Adding landmarks as suggested above. Language revised to mirror Maryland Land Use Article language in section 8-104 b 2-5:  (2) Stabilize and improve the property values of those sites, structures, or districts; (3) Foster civic beauty; (4) Strengthen the local economy; and (5) Promote the preservation and appreciation of those sites, structures, and districts for the education and welfare of the residents of each local jurisdiction.  [6]

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
		the City.	
21.56.020 Definitions	<u>Alteration</u> shall mean any exterior changes that would affect the historic, cultural or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way including, but not limited to, construction, reconstruction, moving or demolition.		No change
	<u>Appurtenances and Environmental Settings</u> shall mean all that space of grounds and structures thereon which surrounds a designated site or structure and to which it related physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), trees, <b>landscape elements</b> , waterways, open space, setbacks, parks, public spaces, and rocks.	shall mean all that space of grounds and structures thereon which surrounds a designated site or structure and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), trees, <b>landscaping</b> , waterways, open space, setbacks, parks, public spaces, and rocks.	Corrected grammatical error by using “relates”. Substitutes “landscaping” for “landscape elements” to mirror Maryland Land Use Article Section 8 1-1 b 3.  <b>[6]</b>
	<b>Building</b>	<b>A building, such as a house, barn, church, hotel or similar construction, is created principally to shelter any form of human activity. “Building” may also be used to refer to a historically and functional related unit, such as a courthouse and jail or a house and barn.</b>	This is a new definition within Chapter 21.56. The definition for landmark is being updated and uses the language established by the National Park Service (NPS) since there is no definition for landmark in the Maryland Land Use Article. NPS references “building” as part of its’ definition of a landmark and therefore for consistency and clarity building should be defined within this section of the code for these purposes. This definition of building is the one recommended by the NPS.  <b>[3,6]</b>
	<u>Certificate of Approvals</u> shall mean a certificate issued by the	shall mean a certificate issued by the	The term “new construction” is defined and referenced throughout the ordinance and this

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	Historic Preservation Commission indicating its approval of plans for construction, alteration, reconstruction, rehabilitation, restoration, moving, or demolition of an individually designated landmark, site, or structure or of a site or structure within a designated historic district.	Historic Preservation Commission indicating its approval of plans for new construction, <b>or the</b> alteration, reconstruction, rehabilitation, restoration, moving, or demolition of an individually designated landmark, site, or structure or of a site or structure within a designated historic district.	section is updated to match the definitions section. Throughout the revised ordinance “construction” is replaced with “new construction” for clarity and consistency. The words “or the” were added to indicate that new construction is different from the actions of alteration, reconstruction, rehabilitation, restoration, moving or demolition but still subject to a certificate of approval.
	<u>Cultural</u> shall mean that which relates to the artistic, historic, intellectual, educational, archaeological, or architectural aspects of the City of Annapolis.	shall mean that which relates to the artistic, historic, intellectual, educational, archaeological, or architectural aspects of the City of Annapolis. <b>Cultural resources can be defined as physical evidence or place of human activity: site, object, landscape or structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.</b>	The Maryland Land Use Article contains no definition of “cultural”. One of the objectives of these revisions is to provide the ability to landmark important resources within the city yet outside a district that would be unable to qualify for designation based solely on architectural integrity or significance. By adopting language recommended by the National Park Service, the ordinance will allow those types of resources to be landmarked/designated by the City Council. One example of the kind of resource this definition would impact would be the Parole Health Center on Drew Street. <b>[3,6]</b>
	<u>Demolition</u> shall mean any act which destroys, in whole or in part, an individually designated landmark, site, or structure, or a site or structure within a designated historic district <b>not</b> including appurtenances and environmental settings.	shall mean any act which destroys, in whole or in part, an individually designated landmark, site, or structure, or a site or structure within a designated historic district including appurtenances and environmental settings.	By deleting the word “not”, appurtenances and environmental settings (A & ES) can be defined as demolished. This change is consistent with the purpose clause, which specifically states that preservation of A&ES is a public purpose.
	<u>Demolition by Neglect</u> shall mean <b>any willful</b> neglect in the maintenance or repair of an individually designated landmark, site, or structure, or a	shall mean neglect in the <b>routine</b> maintenance or repair of an individually designated landmark, site, or structure, or a	This is one of the key objectives of the revisions to the ordinance and one that will allow for tighter enforcement and aggressive pursuit of the few property owners that are problematic.

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>site or structure within a designated historic district, <b>not</b> including any appurtenances and environmental settings, <b>that does not result from an owner's financial inability to maintain and repair such landmark, site, or structure, and which results in any of the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or</b></li> <li><b>2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, the lack of adequate waterproofing, or the deterioration of interior features, which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors or windows.</b></li> </ol>	<p><b>landmark</b>, site or structure within a designated historic district, including any appurtenances and environmental settings, <b>which creates or permits to exist a hazardous or unsafe condition, or which could in the course of time result in substantial or permanent damage, injury or loss of or loss to any items subject to alteration as regulated under Chapter 21.56.</b></p>	<p>Demolition by neglect is restricted to those elements regulated under Chapter 21.56 i.e. exterior elements. It is a process designed to intervene before a resource deteriorates to the point of being defined as a blighted building. The goal is compliance and abatement (i.e. fixing the resource). In recent court actions, the inclusion of the phrase “any willful” has caused issues as the City has attempted to enforce the demolition by neglect process. It is hard to factually prove that neglect is willful when the property owner simply asserts otherwise. By eliminating the language, the City must prove the neglect, not the intent of the property owner. Inserting the word “routine” in front of “maintenance” ensures consistency of terminology throughout the chapter and with State law. The deletion of “not” before A&amp;ES ensures consistency with other definitions and the purpose clause. The elimination of financial ability as an excuse to shield property owners from their obligation to maintain resources is the important reframing necessary to effectively use demolition by neglect to protect the community and the resources.</p> <p><b>[4]</b></p>
	<p><u>Exterior Features</u> shall mean the architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of all windows, doors, light</p>	<p>shall mean the architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of all <b>roofs</b>, windows, doors,</p>	<p>Addition of 2 items that are regularly reviewed currently by the HPC to make the list more complete. There is no change in review scope since these items are already covered in the catch all phrase “similar items”.</p>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	fixtures, signs or similar items found on or related to the exterior of an historic structure.	<b>porches</b> , light fixtures, signs or similar items found on or related to the exterior of an historic structure.	<b>[1]</b>
	<u>Historic District</u> shall mean a significant concentration, linkage, or continuity of sites or structures united historically, architecturally, archaeologically, or culturally, by plan or physical development. An historic district shall include all property within its boundaries as defined and designated by the City Council.	shall mean a significant concentration, linkage, or continuity of sites or structures <b>or objects</b> united historically, architecturally, archaeologically, or culturally, by plan or physical development. An historic district shall include all property within its boundaries as defined and designated by the City Council	The addition of the term object to the definition of a historic district makes this ordinance language mirror the Land Use Article definitions Section 8.101 (e) ““District” means a significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by plan or development.” <b>[6]</b>
	<u>Landmark</u> shall mean any site or structure, designated by the City Council, that is of exceptional historic, cultural, archaeological, or architectural significance.	shall mean any <b>building</b> , site, structure or <b>object</b> , designated by the City Council, that is of exceptional historic, cultural, archaeological, or architectural significance.	The definition for landmark is being updated and uses the language established by the National Park Service (NPS) since there is no definition for landmark in the Maryland Land Use Article. Building is already included in the State definition of a structure so there is no change in review authority. Inclusion of object allows for protection of items that are not either a building, a site or structure. A prime example would be the Kunta Kinte/Alex Haley Memorial, which was reviewed by the HPC as an alteration to the streetscape. This language ensures that objects are covered if they are within a designated district or are landmarked outside a district. It gives no authority to the HPC for review unless the building, site, structure or object has been designated by the City Council. <b>[3,6]</b>
	<u>Maintenance</u> shall mean work that does not alter the exterior fabric or features of a landmark, site or structure and has no material effect on the historical, archaeological, or	<b>Routine</b> Maintenance shall mean work that does not alter the exterior fabric or features of a landmark, site or structure and has no material effect on the historical, archaeological, or	The Land Use Article defines “routine maintenance” not “maintenance”. This change will ensure consistency with state law. There is no change in what type of work can be classified as routine maintenance.

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	architectural or cultural significance of the historical landmark, site or structure.	architectural or cultural significance of the historical landmark, site or structure.	[1,6]
	<u>New Construction</u> shall mean construction which is characterized by the introduction of new elements, sites, buildings, or structures or additions to existing buildings and structures in historic districts.	shall mean construction which is characterized by the introduction of new elements, sites, buildings, or structures or additions to existing buildings and structures in historic districts, specifically excluding reconstruction of removed historical elements.	This modification is the direct result of a lawsuit filed by a property owner claiming that reconstruction of a vanished element or feature of a historic district resource should be considered new construction and therefore evaluated under a lenient standard of review regardless of the contributing nature of the underlying resource. The HPC used a strict standard and was upheld by the courts. New language simply adds clarity on the topic for future cases.
	<u>Object</u>	Object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.	This is a new definition in Chapter 21.56. The definition for landmark is being updated and uses the language established by the National Park Service (NPS) since there is no definition for landmark in the Maryland Land Use Article. NPS references "object" as part of its' definition of a landmark and therefore for consistency and clarity object should be defined within this section of the code for these purposes. This definition of object is the one recommended by the NPS. [3,6]
	<u>Preservation</u> shall mean actions taken to prevent or keep a structure from decay or degradation.		No Change
	<u>Reconstruction</u> shall mean the process of reproducing, by	shall mean the act or process of reproducing, by means of new construction,	This definition has been updated to mirror NPS definitions of reconstruction since there is no definition in the Land Use Article Section 8.



SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	new construction, the exact form and detail of a <b>vanished structure</b> , or part thereof, as it appeared at a specific period of time.	the exact form, <b>features</b> and detailing of a <b>non-surviving landmark or landscape, for the purpose of replicating its' appearance</b> , or part thereof, as it appeared at a specific period of time <b>and in its historic location</b> .	<b>[6]</b>
	<b>Rehabilitation</b> shall mean the act or process of returning a property or building <b>to usable condition</b> through repair, alteration, <b>and/or preservation of its</b> features which are significant to its historical, architectural, and cultural values.	shall mean the act or process of returning a property or building through repair <b>or</b> alteration <b>to a state of utility while preserving those portions and</b> features which are significant to its historical, architectural, and cultural values.	This definition has been updated to mirror NPS/Federal (Title 36 Chapter 1 Part 67) definitions of reconstruction since there is no definition in the Land Use Article Section 8. <b>[6]</b>
	<b>Repair</b> shall mean the process of rehabilitation which warrants additional work beyond simple maintenance, repair, includes patching, piecing in, splicing, consolidating or otherwise, reinforcing materials according to recognized preservation methods.	shall mean the process of rehabilitation which warrants additional work beyond simple <b>routine</b> maintenance, Repair, <b>includes</b> patching, piecing in, splicing, consolidating or otherwise, reinforcing materials according to recognized preservation methods, <b>including limited replacement in kind</b> .	Inserts the word "routine" so that all references within this section of the code are consistent. Adds "replacement in kind" as a recognized type of repair. Since activities that are defined, as either "routine maintenance or repairs" are not required to apply for a Certificate of Approval, "limited replacement in kind" is identified as a repair. Under existing HPC rules "limited" is defined as costing less than \$250 and/or affecting less than 50 square feet of material. <b>[1,6]</b>
	<b>Replacement in Kind</b>	<b>shall mean replicating the form and detailing of an entire character defining feature with new material because the level of deterioration or damage of materials precludes repair.</b>	The use of this term in the definition of repair necessitates a definition of replacement in kind. There is no definition in either the Land Use Article or in the NPS standards. This language is drawn from NPS guidance documents on the continuum of preservation techniques suggested to comply with the Secretary of Interior Standards for Rehabilitation. <b>[1,6]</b>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<u>Restoration</u> shall mean the process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from that period	shall mean the act or process of accurately recovering the form, features and details of a property as it appeared at a specific period of time by means of removal of features from other periods in its history and new construction of mechanical, electrical and plumbing systems and other code required work to make properties functional.	The revised definition is based on NPS standards and allows for more flexibility and specificity in restoration projects that must introduce modern, code compliant systems.  [6]
	<u>Site</u> shall mean the location of an event of historic significance or the location of a structure whether standing or ruined, which possesses historic, architectural, archaeological, or cultural significance.		No Change
	<u>Structure</u> shall mean a combination of material to form a construction that is stable including, but not limited to, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way. The term "structure" shall be construed as if followed by the words, "or part thereof."	shall mean a combination of material to form a construction that is stable including, but not limited to, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, docks, boardwalks, dams, paving, seawalls, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way. The term "structure" shall be construed as if followed by the words, "or part thereof." Structure also includes a natural land formation and an appurtenance and environmental setting.	The addition of terms that may apply to projects in Annapolis especially as the issue of hazard mitigation and sea level rise plays out in the next decades.
21.56.030 A Boundaries	The boundaries of the Annapolis Historic district are established as follows	The boundaries of the Annapolis Historic District are established as follows	Capitalize the word district. Make Boundaries a stand alone Section of the Code.
21.56.030 B,C, D	Establishment and Modification of Districts:	21.56.031 Establishment and Modifications of Districts and Designation of Landmarks A	Include in this section for Designation of Landmarks



SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
		<b>B C</b>	
	B. The City Council may designate boundaries for landmarks, sites, structures, or districts of historic, cultural, archaeological, or architectural significance.	A. The City Council may, by ordinance, establish or modify the boundaries for districts of historic, cultural, archaeological, or architectural significance in accordance with the provisions of this chapter.	The revised language clarifies that the process for district designation/ establishment is by ordinance. This was the process used to establish the existing Historic District. <b>[3]</b>
		B. Landmarks may be designated by the City Council through resolution and require owner consent and are those site or structures that are considered to be of such special historical, cultural, archaeological or architectural significance that those structures or sites, their exteriors, and their appurtenant land and other property should be extended protection under the Secretary of Interior Standards for Rehabilitation.	The proposal is that landmarks require City Council action but as a resolution as opposed to an ordinance. Because landmarks are typically dealing with a single property/property owner a slightly less onerous process seems appropriate. This proposal requires property owner's consent for the Council to act to landmark a property. <b>[3]</b>
	C. Recommendations for designation of landmarks, sites, structures and districts shall be submitted to the City Council for consideration. The Historic Preservation Commission may, after making full and proper study, recommend any area within the limits of the City for designation as a landmark, site, structure, or district of historic, cultural, archaeological, or architectural significance. The Commission shall recommend boundaries for the landmarks, sites, structures, and districts.	C. Recommendations for establishment, modification or designation of landmarks, sites, structures, and districts shall be submitted to the City Council for consideration and shall include a report from the Historic Preservation Commission to include an assessment of and recommendation to the Council on the proposed landmark, site, structure or district. The Historic Preservation Commission may, on its own initiative, after making a full and proper study in accordance with its guidelines, recommend any area within the limits of the city for designation as a landmark, site, structure, or district of historic, cultural, archaeological, or architectural significance. The Commission shall recommend boundaries and guidelines for the landmarks, sites, structures, and districts.	Modify this section to mirror those above using the verbiage of "establishment or modification" for a recommendation. The rationale for requiring a report from the HPC to accompany any such recommendation is so that resources are adequately analyzed and will qualify for designation based on preservation standards. In this way, no property owner could request designation that could not be supported by the professional assessment of the City staff.  By adding the language that the HPC must provide guidelines for the study, the goal is to ensure that rules and procedures would be developed prior to any action. <b>[3]</b>
	D. The City Council or the Commission may		No Change

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	petition the Maryland Historical Trust to make an analysis of and recommendation concerning the preservation of landmarks, sites, structures, or districts of historic, archaeological, architectural, or cultural significance within the City. Such report may include proposed boundaries of sites, structures, or districts, as well as recommendations for the identification and designation of particular sites, structures, or districts to be preserved.		
		E. Proposed Districts and their boundaries shall comply with the requirements for local government certification under the National Preservation Act and the Secretary of Interior's Standards for Identification and Registration.	Sets the appropriate professional standards for review of proposed districts. <b>[3,6]</b>
21.56.034 Guidelines		<p>The HPC shall adopt guidelines for rehabilitation and new construction design for designated landmarks, sites, structures, and districts that are consistent with those generally recognized by the Maryland Historical Trust. The HPC shall use the guidelines in the commission's review of applications.</p> <p>The guidelines adopted under this section shall include:</p> <ol style="list-style-type: none"> <li>1. Design characteristics intended to meet the needs of particular types of landmarks, sites, structures, and districts; and</li> <li>2. Identification of categories of changes that are so minimal in nature that they do not affect historic, archeological, or</li> </ol>	<p>This objective of this new code section is to clarify what the HPC has done in the past (develop guidelines) and commit the HPC to identify categories of changes that require no review due their minimal nature. This latter action has been a priority for the community and is allowed under enabling legislation. This language directly mirrors the Land Use Article except for the more restrictive use of the verb shall (City) vs. may (state). The City language also covers landmarks in addition to sites, structures and districts.</p> <p><b>[1,3,6]</b></p>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
		architectural significance and require no review by the HPC.	
21.56.035 Sales of Historic Real Property	A contract for the sale of real property located in the Historic District as defined by Section 21.56.030 shall include a highlighted statement that the subject property is in the District and that the buyer should visit the website of the Historic Preservation Commission to learn about the various requirements that apply to properties located in the District. The buyer shall be request to initial this statement indicating that the buyer is aware that the property is in the District. If this highlighted statement is not included in the sales contract, then the contract is voidable up until the execution of the deed.	A contract for the sale of real property located in the Historic District or landmarked as defined by Section 21.56.030-56.031 shall include a highlighted statement that the subject property is in the Historic District or landmarked and that the buyer should visit the Historic Preservation Commission page of the City of Annapolis website to learn about the various requirements that apply to properties located in the Historic District or landmarked. The buyer shall be requested to initial this statement indicating that the buyer is aware that the property is in the Historic District or landmarked. If this highlighted statement is not included in the sales contract, then the contract is voidable up until the execution of the deed.	Currently, sales contracts that involve property covered by the Historic District overlay must include a highlighted statement to ensure that new owners are aware the property lies within the District and is subject to review under Chapter 21.56 of the City code. Since property outside the District could be landmarked and subject to review as well, ensuring that those prospective buyers are aware of the status of the property is prudent.
21.56.040 Certificate of Approval	A. When Required. Before a person may undertake the construction, alteration, reconstruction, rehabilitation, restoration, moving, or demolition of a designated landmark, site, or structure, or a site or structure within a designated historic district, if any exterior change is made which would affect the historic, archaeological, architectural, or cultural significance of a site or structure within a designated district or a designated landmark, site, or structure any portion of which is visible or intended to be visible	When Required. Before a person may undertake the new construction, alteration, reconstruction, rehabilitation, restoration, moving, or demolition of a designated landmark, site, or structure, or a site or structure within a designated historic district, if any exterior change is made which would affect the historic, archaeological, architectural, or cultural significance of a site or structure within a designated district or a designated landmark, site, or structure any portion of which is visible or intended to be visible	For consistency, refers to “new construction” since that is the defined term in this section of the code.

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	from a public way, the person, individual, firm, or corporation proposing to make the construction or change shall file an application for a certificate of approval with the Commission for permission to construct, alter, rehabilitate, restore, reconstruct, move, or demolish the landmark, site, or structure.	from a public way, the person, individual, firm, or corporation proposing to make the construction or change shall file an application for a certificate of approval with the Commission for permission to construct, alter, rehabilitate, restore, reconstruct, move, or demolish the landmark, site, or structure.	
	B. Application. An application for a certificate of approval shall be filed with the clerk to the Historic Preservation Commission. Each application shall include maps, plans and other necessary data and documents required by the rules of the Commission and shall be advertised in the manner provided in the rules. Additionally, the property shall be posted in accordance with the rules <b>and regulations</b> adopted by the Commission. Application fees shall be determined by the Department of Planning and Zoning.	B. Application. An application for a certificate of approval shall be filed with the clerk to the Historic Preservation Commission. Each application shall include maps, plans and other necessary data and documents required by the rules of the Commission and shall be advertised in the manner provided in the rules. Additionally, the property shall be posted in accordance with the rules adopted by the Commission. Application fees shall be determined by the Department of Planning and Zoning.	Delete reference to regulations since the HPC has rules and guidelines.
	C. Referral to and Consideration by the Commission. Every application shall be referred to and considered by the Commission and accepted, accepted with modifications, or <b>rejected</b> by the Commission. An application which is identical to a rejected application may not be resubmitted within a period of one year after the <b>rejection</b> . No certificate of approval shall be granted until the Commission has acted	Referral to and Consideration by the Commission. Every application shall be referred to and considered by the Commission and accepted, accepted with modifications, or <b>denied</b> by the Commission. An application which is identical to an application <b>that has been denied</b> may not be resubmitted within a period of one year after the <b>denial</b> . No certificate of approval shall be granted until the Commission has acted thereon as hereinafter provided.	When a case is heard by the HPC, the terminology used is “denied” as opposed to “rejected”. This change conforms the code to the practice.

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	thereon as hereinafter provided.		
21.56.045 Administrative Review of Applications	All new	<p>The Historic Preservation Commission may delegate the review and issuance of certificates of approval to the Chief of Historic Preservation in specific cases where:</p> <p>A. the application under review meets review criteria established and published by the Historic Preservation Commission prior to the date of application.</p> <p>B. the Chief of Historic Preservation provides the Historic Preservation Commission notice concerning how the application addresses each review criteria .</p>	<p>The codification of the administrative review process is one of the main objectives of the ordinance revisions. In practice, the HPC has been issuing administrative approvals for certain types of projects for over 20 years. The HPC has a defined set of items that qualify and they are publicly posted on the city website. Additionally, the list of those qualifying items is reviewed periodically by the HPC to ensure the correct balance between efficiency, good governance and resource protection.</p> <p>[2]</p>
21.56.050 Certificate of Approval-Demolition	An application for demolition of a structure shall include plans for a replacement structure and a timetable for the construction thereof. Approval for the demolition of a structure shall be conditioned upon the construction of an acceptable replacement structure, or landscape or park. A bond or other financial guaranty in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan.	An application for demolition of a structure shall include plans for a replacement structure and a timetable for the construction thereof. Approval for the demolition of a structure shall be conditioned upon approval of an application for the construction of an acceptable replacement structure, or landscape or park and also conditioned upon a timetable for such construction, landscaping, or park. Failure to comply with the timetable approved by the Commission shall result in the automatic revocation of any and all approvals. In the event that an applicant fails to meet the timetable approved by the Commission and the approvals are automatically revoked, the applicant shall be	The revisions are designed to provide incentives for property owners to promptly execute on new construction once a demolition has been approved by the Commission.

<u>SECTION</u>	<u>EXISTING LANGUAGE</u>	<u>PROPOSED LANGUAGE</u>	<u>COMMENTS</u>
		<p>required to re-apply to the Commission for approval of a replacement structure, landscaping or park plan. A bond or other financial guaranty in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan.</p>	
21.56.060 Application Review	<p>A. In reviewing applications, the Commission shall give consideration to the historic, cultural, archaeological, or architectural significance of the landmark, site, or structure and its relationship to the historic, cultural, archaeological, or architectural significance of the surrounding area; the relationship of the exterior architectural features of a landmark, site, or structure to the remainder of the landmark, site, or structure and to the surrounding area; the general compatibility of proposed exterior design, scale, proportion, arrangement, texture, and materials to the landmark, site, or structure and to the surrounding area; and any other factors including aesthetic factors which the Commission deems to be pertinent.</p> <p>B. The Commission shall consider only exterior features of a landmark, site, or structure and shall not consider any interior arrangements.</p> <p>C. The Commission shall not disapprove an application except with respect to the several factors specified in</p>		No Change



SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	Subsection A of this section.		
	<p>D. The Commission shall be strict in its judgment of plans for landmarks, sites or structures determined by research to be of historic, cultural, archaeological, or architectural significance. The Commission shall <b>be lenient in its judgment of</b> plans for landmarks, sites or structures of little historic, cultural, archaeological, or architectural significance, or of plans involving new construction, unless in the Commission's judgment such plans would seriously impair the historic, cultural, archaeological, or architectural significance of surrounding landmarks, sites or structures. The Commission is not required to limit construction, reconstruction, or alteration to any one period of architectural style.</p>	<p>The Commission shall be strict in its judgment of plans for landmarks, sites or structures determined by research to be of historic, cultural, archaeological, or architectural significance. The Commission shall <b>not strictly judge</b> plans for landmarks, sites or structures of little historic, cultural, archaeological, or architectural significance, or of plans involving new construction, unless in the Commission's judgment such plans would seriously impair the historic, cultural, archaeological, or architectural significance of surrounding landmarks, sites or structures. The Commission is not required to limit construction, reconstruction, or alteration to any one period of architectural style.</p>	<p>The change is recommended since “not strictly judge” is simply the reverse of the “strictly judge” standard and therefore less ambiguous and less open to interpretation.</p>
	<p>E. Special Considerations.</p> <p>1. If an application is submitted for construction, reconstruction, or alteration affecting a landmark, site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Commission considers to be of unusual importance to the City, State, or Nation, the <b>Commission</b> shall attempt to formulate an economically feasible plan with the owner(s) of the site or structure for the preservation of the landmark, site</p>	<p>E. Special Considerations.</p> <p>1. If an application is submitted for <b>new</b> construction, reconstruction, or alteration affecting a landmark, site or the exterior of a structure or for the moving or demolition of a <b>landmark, or</b> structure, the preservation of which the Commission considers to be of unusual importance to the City, State, or Nation, the <b>Chief of Historic Preservation</b> shall attempt to formulate an economically feasible plan with the owner(s) of the <b>landmark,</b> site or structure for the preservation of</p>	<p>The changes in this section are to use terms as defined in this chapter (new construction vs. construction); to include landmark under both sections dealing with demolition and feasibility to be consistent; to designate Chief of Historic Preservation (CHP) as the responsible party for developing a plan to submit to the HPC in his/her role as staff for the HPC; to use deny vs. reject for consistency with previous section; to remove references to Department of Public Works.</p>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>or structure.</p> <p>2. In the circumstances described above in Subsection (E)(1) of this section, unless the Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, cultural, archaeological, or architectural significance of the landmark, site or structure, the Commission shall <b>reject</b> the application, <b>filing a copy of its rejection with the Department of Public Works.</b></p> <p>3. If an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a landmark, site or structure that the Commission considers to be of unusual importance and no economically feasible plan can be formulated, the Commission shall have ninety days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner(s) and other parties in an effort to find a means of preserving the landmark, site or structure. At the end of such ninety-day period, if no means of preserving the landmark, site or structure has been found, the Commission shall either approve, approve with modifications, or <b>reject</b> the application.</p>	<p>the landmark, site or structure <b>which the Chief shall present to the Commission for its review.</b></p> <p>2. In the circumstances described above in Subsection (E)(1) of this section, unless the Commission is satisfied that the proposed <b>new</b> construction, alteration, or reconstruction will not materially impair the historic, cultural, archaeological, or architectural significance of the landmark, site or structure, the Commission shall <b>deny</b> the application.</p> <p>3. If an application is submitted for <b>new</b> construction, reconstruction, or alteration, or for the moving or demolition of a landmark, site or structure that the Commission considers to be of unusual importance and no economically feasible plan can be formulated, the Commission shall have ninety days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner(s) and other parties in an effort to find a means of preserving the landmark, site or structure. At the end of such ninety-day period, if no means of preserving the landmark, site or structure has been found, the Commission shall either approve, approve with modifications, or <b>deny</b> the application.</p>	

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>4. In the case of a landmark, site or structure considered to be valuable for its historic, cultural, archaeological, or architectural significance, the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of Subsection (E)(2) of this section, if the Commission finds that:</p> <p>a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;</p> <p>b. Retention of the landmark, site or structure would cause undue financial hardship to the owner; or</p> <p>c. Retention of the landmark, site or structure would not be in the interests of a majority of persons in the City.</p>	<p>4. In the case of a landmark, site or structure considered to be valuable for its historic, cultural, archaeological, or architectural significance, the Commission may approve the proposed <b>new</b> construction, reconstruction, alteration, moving, or demolition despite the provisions of Subsection (E)(2) of this section, if the Commission finds that:</p> <p>a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;</p> <p>b. Retention of the landmark, site or structure would cause undue financial hardship to the owner; or</p> <p>c. Retention of the landmark, site or structure would not be in the interests of a majority of persons in the City.</p>	
21.56.070 Certificate of Approval-Commission Decision	<p>A. The Commission shall file <b>with the Department of Public Works</b> a certificate of approval certifying its approval or modification of each application and plans submitted to it for review. If an application is <b>rejected</b>, the Commission shall <b>notify the Department of Public Works</b>.</p> <p>B. Work shall not be commenced on any project until such a certificate of</p>	<p>A. The Commission shall file <b>in the City's internal tracking system, and thereby notify other departments</b>, a certificate of approval certifying its approval or modification of each application and plans submitted to it for review. If an application is <b>denied</b>, the Commission shall <b>file that electronically as well</b>.</p> <p>B. Work shall not be commenced on any project until such a certificate of</p>	<p>The changes in this section are to reference the necessity of using the internal tracking system of the City to improve communications and reduce confusion for property owners as to who is responsible for what action under City Code; to use deny vs. reject for consistency with previous section; to remove references to Department of Public Works.</p> <p><b>[1]</b></p>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>approval has been filed, and the Department of Public Works shall not issue a building permit for such change or construction unless it has received such a certificate of approval.</p> <p>C. Failure of the Commission to act upon a completed application within forty-five days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of the forty-five day period is mutually agreed upon by the applicant and the Commission or the application has been withdrawn and except as provided by Section 21.56.060(E)(3) of this section.</p>	<p>approval has been filed, and a building permit shall not be issued for such change or construction unless such a certificate of approval is on file.</p> <p>C. Failure of the Commission to act upon a completed application within forty-five days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of the forty-five day period is mutually agreed upon by the applicant and the Commission or the application has been withdrawn and except as provided by Section 21.56.060(E)(3) of this section.</p>	
21.56.080 Certificate of approval-expiration	<p>A. A certificate of approval of the Commission shall expire automatically, unless extended by the Commission, if:</p> <ol style="list-style-type: none"> <li>1. In the case of an application for the demolition, moving or alteration of a structure, the work has not commenced within six months and been completed within one year from the date of issuance of the certificate of approval;</li> <li>2. In the case of an application for the construction of a new structure, the work has not commenced within one year from the date of issuance of the certificate of approval and been</li> </ol>	<p>A. A certificate of approval of the Commission shall expire automatically, unless extended by the Commission, if:</p> <ol style="list-style-type: none"> <li>1. In the case of an application for the demolition, moving or alteration of a structure, the work has not commenced within six months and been completed within one year from the date of issuance of the certificate of approval;</li> <li>2. In the case of an application for the construction of a new structure, the work has not commenced within one year from the date of issuance of the certificate of approval and been completed within three years; or</li> </ol>	<p>The changes in this section are designed to allow for granting administratively extensions of permits to property owners as necessary to complete projects without undue burden while balancing community interest that repetitive extensions are granted without public input. Also, it allows for granting administratively minor changes to projects from approved plans as projects unfold so property owners can proceed with construction expeditiously. The language related to tolling is removed since that policy has been ended by the City Council.</p> <p>[2]</p>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>completed within three years; or</p> <p>3. For the purposes of this section, application for extension of approval shall be treated and considered as a new application before the Commission.</p> <p>B. Tolling of certificates of approval. Notwithstanding the provisions of Section 21.56.080A of this Code, certificates of approval granted by the Historic Preservation Commission pursuant to Sections 21.56.040 through 21.56.070 of this Code and extensions thereof which are active and valid as of June 30, 2012, shall be tolled until June 30, 2014, so that all such certificates of approval and extensions shall expire on, or any applicable extension request shall have been requested by, June 30, 2014, provided that this shall not apply to a historic property that has been a subject of a final determination of demolition by neglect as defined under Section 21.56.020</p> <p>C. Any changes to plans previously approved under an issued certificate of approval that are required in response to Section 17.04.630(B)1 referencing the City of Annapolis Code in force at the time construction commences, must be referred to the Historic Preservation Commission for re-evaluation if there is a necessary change to the exterior as approved.</p>	<p>3. An extension shall be granted administratively as authorized under the rules developed pursuant to this Chapter.</p> <p>4. After an extension is granted administratively under section 3 above, further extension requests shall be heard by the Commission.</p> <p>B. Any changes to plans previously approved under an issued certificate of approval must be referred to the Historic Preservation Commission for re-evaluation unless otherwise delegated to staff for administrative review under rules developed pursuant to this Chapter.</p>	

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
21.56.090	Maintenance, Repair and Demolition by Neglect	Routine Maintenance and Repair	Another main objective of the ordinance revisions is an update to the process for properties going through determination of demolition by neglect. For clarity, a separate code section dedicated to demolition by neglect is proposed. The title of the section is altered to align with definitions in this section of the code. <b>[1]</b>
	A. Nothing in this article shall be taken or construed to prevent maintenance that does not alter the exterior fabric or features of a designated landmark, site, or structure, or landscape elements, and which will have no material effect on the historic, cultural, archaeological, or architectural significance of a designated landmark, site, structure, or district.	A. Nothing in this article shall be taken or construed to prevent routine maintenance and repair that does not alter the exterior fabric or features of a landmark, site, or structure, or landscape elements, whether individually designated or within an historic district and which will have no material effect on the historic, cultural, archaeological, or architectural significance of a landmark, site, structure, or district whether individually designated or within an historic district.	The addition of the word routine mirrors state language. The addition of repair allows for appropriate actions, as defined in this section of the code, to be taken by property owners to maintain and repair their resources. Since the revisions allow for protected resources outside the boundaries of a district, language was added to ensure clarity for those properties as well. <b>[1]</b>
	B. In the event of demolition by neglect, the Commission may request that the Mayor's office notify, in writing, the property owner(s) of record, any person(s) having a right, title, or interest therein, and the occupant(s) or other person(s) responsible for the maintenance of the property, of the deterioration. The notice shall specify	B. If the Chief of Historic Preservation (CHP) has determined, that a designated landmark, site, structure or landscape or a landmark, site, structure or landscape in the Historic District is not being routinely maintained or repaired in accordance with the provisions of City Code, Chapter 21.56 then the Chief of Historic Preservation	The current sections related to demolition by neglect are deleted and replaced with language in this and the next section. The new section of the code has been added to achieve another major objective of the revisions, namely the ability of the CHP to issue citations based on violations of Chapter 21.56 related to maintenance and repair. Currently the CHP can only issue citations if work is being done



SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>the minimum items of repair or maintenance necessary to correct the deterioration or prevent further deterioration.</p> <p>C. Prior to the issuance of a written notice, the Commission may request that the City establish a record of demolition by neglect. Such record may include dated materials such as photographs and written reports of the condition of the property so as to record or measure the deterioration.</p> <p>D. The notice shall provide that corrective action shall commence within thirty days of the receipt of said notice and be completed within a reasonable time thereafter. The notice shall state that the owner(s) of record of the property, or any person(s) of record with any right, title, or interest therein, may, within ten days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in the notice. In the event a public hearing is requested, it shall be held by the Commission upon thirty days' written notice being mailed to all persons of record with any right, title, or interest in the property and to all citizens and organizations which the Commission determines may have an interest in the proceedings.</p> <p>E. If, after the public hearing, the Commission determines that the corrective actions remain necessary,</p>	<p>shall notify the owner of the required action or abatement to bring the landmark, site, structure or landscape into compliance with Chapter 21.56. The notification required herein shall provide the owner an opportunity to comply with the City Code and state the time by which such compliance shall be achieved, and further state if the owner fails to comply with the requirements of the notice a municipal infraction citation will be issued and all available relief shall be sought.</p> <p>In the event that the owner fails to comply with the requirements of the notice provided in accordance with paragraph B above, the Chief of Historic Preservation shall have the authority to issue a municipal infraction citation therefore in accordance with city code chapter 1.20</p>	<p>without a Certificate of Approval or contrary to the Certificate of Approval granted. Lack of action from a property owner is not currently the basis for a violation from CHP. The community had repeatedly asked for tougher enforcement and this is one strategy to achieve that goal. Because historic resources are more fragile, the earlier an intervention can be achieved the less costly the necessary repairs to achieve compliance can be for the property owners and the less damage done to surrounding property values.</p> <p>[4]</p>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>the Commission may request that the Mayor issue final notice to be mailed to the owner(s) of record and all parties of record with any right, title, or interest in the property, advising them of the items of repair and maintenance necessary to correct the deterioration or prevent further deterioration. The owner shall institute corrective action to comply with the final notice within thirty days of receipt of the final notice.</p> <p>F. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action specified in the final notice within the time required, the Commission may request that the Mayor's office institute any of the remedies and penalties provided by law for such violations.</p>		
		<p><b>21.56.091 Demolition by Neglect</b>  If the Chief of Historic Preservation determines that a designated landmark, site, or structure, or a site or structure within a designated historic district, may meet the definition of demolition by neglect, the Chief of Historic Preservation shall investigate the history of the landmark, site or structure and develop a record. The record shall include but not be limited to historical documentation of the landmark, site or structure and current photographs of the landmark, site and the interior and exterior of the structure. The Chief of Historic</p>	<p>This section of the code is designed to establish a fair and open process to determine demolition by neglect and conform an appeal of that determination to how all other cases decided by the HPC are appealed. Under this proposal, the CHP must develop a record, provide adequate notice, and issue reports. The HPC shall hold a hearing and make a decision based on the evidence presented by both the City and the property owner. The HPC shall determine a course of corrective action, which is prioritized to ensure structural stability and prevent water infiltration to the resource. The appeals process once a decision</p>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
		<p>Preservation may consult with and retain consultants and experts in the field of historic preservation to construct the record and for other purposes related to the investigation.</p> <p>In connection with the commencement of the investigation, the Chief of Historic Preservation shall give written notice to the owner or the owner's authorized agent that the landmark, site or structure is under investigation for possible demolition by neglect and the legal authority for the investigation, and shall also advise that entry onto the property and into the landmark, site or structure shall be required and the date or dates of entry and the identity of the persons who will do so. If such dates are not known at the time of the notice, the Chief of Historic Preservation shall send a separate written notice indicating such dates. Pursuant to such notices, the Chief of Historic Preservation and retained consultants and experts, and any other person who the Chief of Historic Preservation deems necessary for investigatory purposes, shall be permitted onto the site and into the structure or landmark, for such purposes from time to time as is necessary to complete the investigation. Neither owner nor the owner's authorized agent nor any other person shall require a waiver of liability or impose any other condition upon those persons who require access onto site and into the landmark, site or structure to perform and complete the investigation.</p>	<p>is reached by the HPC will conform to all other cases heard and the parties may appeal to the Circuit Court of Anne Arundel County.</p> <p>[4]</p>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
		<p>After completion of the investigation, the Chief of Historic Preservation shall prepare a written report of the results of the investigation. The report shall, at a minimum, identify all materials used in the investigation, all consultants and experts who participated in the investigation, and contain the following:</p> <ol style="list-style-type: none"> <li>1. a description of the existing condition of the interior and exterior of the landmark, site or structure;</li> <li>2. a description of the level of deterioration of the interior and exterior of the landmark, site or structure exhibited by the existing conditions;</li> <li>3. whether the level of deterioration meets the definition of demolition by neglect and, if so, how;</li> <li>4. a list of all maintenance, repairs- or replacement in kind required to abate the demolition by neglect, a prioritization of those items necessary to ensure structural stability and prevent water infiltration and an estimated timeline for the necessary actions to abate.</li> </ol> <p>The Chief of Historic Preservation shall provide a copy of the report to the owner or the owner's authorized agent. The Chief of Historic Preservation shall schedule a public hearing before the Historic Preservation Commission not earlier than</p>	

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
		<p>45 days after the submission of the report to the owner or the owner's authorized agent. The Chief of Historic Preservation shall give notice of the hearing in accordance with Section 21.10.020 of this Title. Such notice shall be made at least 15 days before the date of the public hearing.</p> <p>If the HPC finds that the subject property is in a state of demo by neglect then the HPC may impose corrective action upon the owner including but not limited to any action or abatement recommended by the CHP to achieve structural stability and prevent water infiltration. A bond or other financial guaranty in the amount of the cost of the corrective action may be required in order to assure the abatement of the state of demolition by neglect.</p>	
21.56.100 Underground ing Utilities	<p>A. The City may require that utility companies relocate <b>underground</b> existing overhead lines and facilities within a defined part of the district or the entire district, and require that the connection thereto be placed underground, if necessary by private owners then receiving service from the overhead lines and facilities. The City shall provide:</p> <ol style="list-style-type: none"> <li>1. That the estimated cost to property owners, for work to be performed on private property, be determined and made available to</li> </ol>	<p>A. The City may require that utility companies relocate existing overhead lines and facilities <b>underground</b> within a defined part of the district or the entire district, and require that the connection thereto be placed underground, if necessary by private owners then receiving service from the overhead lines and facilities. The City shall provide:</p> <ol style="list-style-type: none"> <li>1. That the estimated cost to property owners, for work to be performed on private property, be determined and made available to affected</li> </ol>	Minor grammatical correction for clarity.

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>affected property owners;</p> <p>2. That financing of these costs to private owners be provided including any charges for the amortization of the bonds issued to initially cover such private costs. The City may enter into agreement with individual property owners whereupon it will advance funds to cover the property owner's costs involved in the conversion of the overhead lines and facilities and may appropriate funds, levy taxes or borrow funds to pay and advance the costs of such conversion. The City may also impose a benefit assessment against the property in the district for which the conversion is made in order to recapture such expended costs and make appropriate provisions for the collection thereof; and</p> <p>3. For any other provisions reasonably related to the objectives of placing underground overhead lines and facilities, and the administration of such projects.</p> <p>B. Notwithstanding any other provision in this section, the Public Service Commission shall prescribe the amount of the monthly surcharge required to support the net capital costs and determine which customers of the applicable utility are subject to</p>	<p>property owners;</p> <p>2. That financing of these costs to private owners be provided including any charges for the amortization of the bonds issued to initially cover such private costs. The City may enter into agreement with individual property owners whereupon it will advance funds to cover the property owner's costs involved in the conversion of the overhead lines and facilities and may appropriate funds, levy taxes or borrow funds to pay and advance the costs of such conversion. The City may also impose a benefit assessment against the property in the district for which the conversion is made in order to recapture such expended costs and make appropriate provisions for the collection thereof; and</p> <p>3. For any other provisions reasonably related to the objectives of placing underground overhead lines and facilities, and the administration of such projects.</p> <p>B. Notwithstanding any other provision in this section, the Public Service Commission shall prescribe the amount of the monthly surcharge required to support the net capital costs and determine which customers of the applicable utility are subject to the surcharge, or the Commission shall</p>	



<u>SECTION</u>	<u>EXISTING LANGUAGE</u>	<u>PROPOSED LANGUAGE</u>	<u>COMMENTS</u>
	the surcharge, or the Commission shall include the related net capital costs in the rate base, or shall adopt any other method to appropriately apportion the said costs. However, in no event shall the utility be required to pay more than fifty percent of the net capital costs. The City is authorized to make appropriations for such relocation projects from any appropriate Federal, State and local funds it receives for this purpose.	include the related net capital costs in the rate base, or shall adopt any other method to appropriately apportion the said costs. However, in no event shall the utility be required to pay more than fifty percent of the net capital costs. The City is authorized to make appropriations for such relocation projects from any appropriate Federal, State and local funds it receives for this purpose.	
21.56.110	Appeals	Appeals and Enforcement	Adding explicit language for enforcement
	Any person or persons, firm or corporation aggrieved by a decision of the Commission has a right of appeal to the Anne Arundel County Circuit Court and a further appeal to the Court of Special Appeals of Maryland. Appeal requests must be filed within thirty days from the date of the Commission decision.	<p>A. Any person or persons, firm or corporation aggrieved by a decision of the Commission has a right of appeal to the Anne Arundel County Circuit Court and a further appeal to the Court of Special Appeals of Maryland. Appeal requests must be filed within thirty days from the date of the Commission decision.</p> <p><b>B. The enforcement of this chapter is a duty of the Director of Planning and Zoning and his/her designee in consultation with the Chief of Historic Preservation.</b></p>	<p>No change to appeals process. New language to increase enforcement and include resources located outside districts established by ordinance and designated by resolution; ensuring that CHP apprises DPZ based on professional expertise.</p> <p><b>[4]</b></p>
21.56.130 Severability	If any provisions of this article or the application thereof to any person(s) or circumstances are held invalid for any reason, such invalidity shall not affect the other provisions of any other application of this article which can be given effect without the invalid provisions or application, and to this end, all the provisions of this article are declared to be		No Change

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	severable.		
21.56.140 Statutory Authority	The authorities for this law is the Land Use Article of the Annotated Code of Maryland as may be amended from time to time. Nothing in this law shall be construed to limit the authority of the Historic Preservation Commission of the City to review proposals with respect to height and bulk.	The authority for this law is the Land Use Article of the Annotated Code of Maryland, <b>Division I. Single-Jurisdiction Planning and Zoning Title 8 Historic Preservation</b> as may be amended from time to time. Nothing in this law shall be construed to limit the authority of the Historic Preservation Commission of the City to review proposals with respect to height and bulk.	Added specificity to reference state law. <b>[6]</b>
Article II 21.56.150- 220	Height and Bulk		No Changes
Article III 21.56.230- 250; 270-330	Newsracks  <b>21.56.230 - Purpose and criteria.</b> The purpose of this <b>article</b> is to promote <b>the</b> public health, safety and welfare, and safeguard the historical and cultural heritage of Annapolis through the regulation of placement, type, appearance, servicing, <b>and insuring</b> of newsracks on public rights-of-way in the Historic District so as to: A. Provide for pedestrian and driving safety and convenience. B. <b>Restrict</b> unreasonable interference with the flow of pedestrian <b>or</b> vehicular traffic including ingress into or egress from <b>any</b> residence <b>or</b> place of business; <b>or</b> from the street to the sidewalk, by persons exiting or entering parked or standing vehicles.	<b>21.56.230 - Purpose and criteria.</b> The purpose of this <b>chapter</b> is to promote public health, safety and welfare, and safeguard the historical and cultural heritage of Annapolis through the regulation of placement, type, appearance, <b>and</b> servicing; of newsracks on public rights-of-way in the Historic District so as to: A. Provide for pedestrian and driving safety and convenience. B. <b>Address</b> unreasonable interference with the flow of pedestrian <b>and</b> vehicular traffic, including ingress into or egress from <b>residences and places</b> of business; <b>and</b> from the street to the sidewalk, by persons exiting or entering parked or standing vehicles. C. Provide for public and property safety during severe weather conditions.	All changes in this section were submitted by the Office of Law to correct legal deficiencies.  <b>[5]</b>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>C. Provide for public and property safety during severe weather conditions.</p> <p>D. Provide reasonable access for the use and maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes, and access to locations used for public transportation purposes.</p> <p>E. Preserve and enhance a district, which reflects the City's archaeological, architectural, cultural, and social history.</p> <p>F. Relocate and/or replace newsracks which result in a visual blight and/or excessive space allocation on the public rights-of-way or which unreasonably detract from the aesthetics of store window displays, adjacent landscaping and other improvements, as well as to have abandoned newsracks removed.</p> <p>G. Maintain and protect the values of surrounding properties.</p> <p>H. Reduce unnecessary exposure of the public to personal injury or property damage.</p> <p>I. Treat all newsracks equally regardless of their size, content, circulation, or frequency of publication.</p> <p>J. Maintain and preserve freedom of the press.</p> <p>K. Cooperate to the maximum extent possible with distributors.</p> <p>21.56.250 - Certificate of approval required.</p> <p>No person shall place, affix, erect, construct or maintain a newsrack in the Historic District without first obtaining a one-time only Certificate of Approval for each</p>	<p>D. Provide reasonable access for the use and maintenance of poles, posts, traffic signs and signals, hydrants, and mailboxes, and to provide access to locations used for public transportation purposes.</p> <p>E. Preserve and enhance the City's historic district, which reflects the City's archaeological, architectural, cultural, and social history.</p> <p>F. Relocate and/or replace newsracks which result in a visual blight and/or excessive space allocation on the public rights-of-way or which unreasonably detract from the aesthetics of store window displays, adjacent landscaping and other improvements, as well as to have unused newsracks removed.</p> <p>G. Maintain and protect the values of surrounding properties.</p> <p>H. Reduce unnecessary exposure of the public to personal injury or property damage.</p> <p>I. Regulate all newsracks in a consistent manner regardless of their size, or the content, circulation, or frequency of publications placed in newsracks.</p> <p>J. Maintain and preserve freedom of the press.</p> <p>K. Cooperate to the maximum extent possible with newsrack owners and newspaper publishers and distributors.</p> <p>21.56.250 - Certificate of Approval required.</p> <p>A. No person shall place, affix, erect, construct or maintain a newsrack in the Historic District without first obtaining a Certificate of Approval for a newsrack</p>	

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	newsrack in accordance with the provisions of this article.	<p>placed in any approved location from the Chief of Historic Preservation in accordance with the provisions of this chapter.</p> <p>B. The Chief of Historic Preservation shall not approve a Certificate of Approval for any newsrack unless it is for an approved location on a map approved by the Chief of Historic Preservation.</p> <p>C. The Chief of Historic Preservation shall develop guidelines to include newsracks that can be administratively approved in accordance with standards governing the Historic Preservation Commission.</p>	
21.56.260 Newsracks	<p>Application and issuance of certificate of approval</p> <p>A. Issuing authority. The issuing authority and coordinator shall be the Chief of Historic Preservation. The Chief is responsible for fairly coordinating and administering the physical placement of newsracks of the type and location herein specified, and upon compliance with provisions of this article, is responsible for issuing the certificates of approval.</p> <p>B. Approving authority. The approving authority shall be the Chief of Historic Preservation. The Chief shall provide review and administrative approval; the Chief shall circulate the application for consideration and comment by the Public Works Administration, the Police Department, and the Planning and Zoning Department.</p>	<p>Application for Certificate of Approval</p> <p>A. Approving authority. The Chief of Historic Preservation shall be responsible approving and or denying an application for a certificate of approval pursuant to this chapter.</p> <p>B. Interagency Review. Before approving or denying an application for a Certificate of Approval, the Chief of Historic Preservation shall refer the application for consideration and comment to the Public Works.</p> <p>C. Enforcing authority. The enforcing authority shall be the Director of Public Works.</p> <p>D. Applications. The applicant shall file with the Chief of Historic Preservation an Application for a Certificate of Approval that shall contain the following information:</p> <ol style="list-style-type: none"> <li>1. The name, address and telephone</li> </ol>	<p>With the exception of the following: change references from DNEP to DPW since that is appropriate department, changes in this section were submitted by the Office of Law to correct legal deficiencies.</p> <p>[5]</p>

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>C. Enforcing authority. The enforcing authority shall be the director of the Department of Neighborhood and Environmental Programs.</p> <p>D. Applications. The applicant shall file with the Chief of Historic Preservation a Historic Preservation Commission Administrative Approval Application for an installation Certificate of Approval that shall contain the following information:</p> <ol style="list-style-type: none"> <li>1. The name, address and telephone number of the applicant who is the owner and/or principal in responsible charge of the newsrack.</li> <li>2. The name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's newsracks.</li> <li>3. The number of newsracks and the proposed location of each shown on a drawing provided by the Public Works Administration as in Subsection D. of this section.</li> <li>4. Names of newspapers or periodicals to be contained in each newsrack.</li> <li>5. Type or brand of newsracks, including an illustration and description of the newsrack and mount if other than a single pedestal, TK-80PM, or K-80PM</li> </ol>	<p>number of the applicant and the owner of the newsrack which is the subject of the application, and if the owner is an entity, the principal of the entity.</p> <ol style="list-style-type: none"> <li>2. The name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's newsracks.</li> <li>3. The proposed location of the newsrack as shown on a map or drawing acceptable to the Chief of Historic Preservation.</li> <li>4. The names of newspapers or periodicals to be contained in the newsrack.</li> <li>5. The Type or brand of the proposed newsracks, including an illustration and description of the newsrack and mount if other than the following list of models: a single pedestal, TK-80PM, or K-80PM SHORACK, or TK-80 or K-80 SHORACK with special pedestal and 14-inch square base plate (allowed only if demand warrants at the installation location) or equivalent, as per Section 21.56.310 of this Code.</li> </ol> <p>E. Issuance of Certificate of Approval. If the Chief of Historic Preservation approves an application, the Chief of Historic Preservation shall issue a Certificate of Approval for placement of</p>	

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>SHORACK, or TK-80 or K-80 SHORACK with special pedestal and 14-inch square base plate (allowed only if demand warrants at the installation location) or equivalent, as per Section 21.56.310 of this Code.</p> <p>E. Procedure. In consultation with the Public Works Department and the Department of Neighborhood and Environmental Programs, and with the approval of the Historic Preservation Commission, the Chief shall:</p> <ol style="list-style-type: none"> <li>1. Develop a map of a large enough scale to show permitted locations of newsracks in the Historic District.</li> <li>2. Request a list of proposed newsrack locations, marked on the above map, from each distributor.</li> <li>3. Prepare a scale drawing or aerial photograph of each newsrack location showing the position and name of each newsrack at that location.</li> <li>4. Review for approval newsrack drawings.</li> <li>5. Obtain confirmation approvals of the above approved newsrack drawings from each distributor.</li> <li>6. Have the public works survey crew, following Certificate of Approval issuance, then mark</li> </ol>	<p>the newsracks. Once a Certificate of Approval is submitted, the Chief of Historic Preservation shall have forty-five (45) days to review, approve, or deny the Certificate of Approval. Issuance occur within thirty (30) days of the approval of a completed application.</p> <p>F. If the Chief of Historic Preservation issues a Certificate of Approval, the Chief of Historic Preservation shall provide an identifying label that must be placed at the bottom right corner of the glass/plastic front of the newsrack.</p> <p>G. Denial of certificate of approval. If the Chief of Historic Preservation denies a Certificate of Approval, the Chief of Historic Preservation shall notify the applicant in writing within ten (10) days of the date of denial and provide the reason for the denial. Within thirty (30) days of the receipt of a written denial, the applicant may file an amended application for further review by the Chief of Historic preservation at no additional certificate of approval fee.</p> <p>H. Separate certificate of approval. Each newsrack considered for placement shall be the subject of a separate application and application fee and shall require a separate Certificate of Approval.</p> <p>I. This ordinance shall apply to all newsracks in place at the time of the</p>	



SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>placement locations with a template so that installation crews will have no problem.</p> <p>F. Issuance of certificate of approval. Upon a finding by the Chief that the applicant is in compliance with the provisions of this article, the Chief shall cause to be issued a certificate of approval for installation by the newspaper publishing and or distribution company. Such issuance shall be made within ten working days of the City's receipt of the completed application.</p> <p>G. Denial of certificate of approval. If a Certificate of Approval for some newsrack location applied for shall be denied, the applicant shall be notified within ten working days of the City's receipt of the completed application. The applicant shall be advised of the specific cause of such denial by the Chief, who may suggest alternative locations. The applicant may reapply for substitute alternative location at no additional certificate of approval fee.</p> <p>H. Additional certificate of approval. If at any time initial application for an installation certificate of approval a publisher wishes to install additional newsracks, then Subsections D and E of this section are to be repeated in accordance with the provisions of this article. Additional certificate of approval fees shall be in accordance with Section 21.56.270 of this Code.</p>	<p>ordinance's adoption.</p>	

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>21.56.270 Fees: Section deleted in its entirety</p> <p>21.56.280 Appeals: Section deleted in its entirety.</p> <p>21.56.310 - Specific prohibitions. Within the Historic District, no newsrack shall be placed, installed, used or maintained:</p> <p>A. Within five (5) feet of any marked crosswalk.</p> <p>B. Within ten (10) feet of any unmarked crosswalk.</p> <p>C. Within ten (10) feet of any fire hydrant, fire callbox, or other emergency facility.</p> <p>D. Within five (5) feet of any driveway.</p> <p>E. Within five (5) feet ahead of, and fifteen (15) feet to the rear of any sign marking a designated bus stop, measured along the edge of pavement.</p> <p>F. Within two (2) feet of any bus bench, or plaza bench.</p> <p>G. At any location whereby the clear space for passageway of pedestrians is reduced to less than six (6) feet.</p> <p>H. Where a vertically protruding member of the newsracks is on or within twelve (12) inches of any area improved with lawn or hedges or within three (3) feet of flowers or trees</p> <p>I. Within three (3) feet of any display window of any building abutting the a sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such a window display.</p>	<p>21.56.310 - Specific prohibitions. Within the Historic District, no newsrack shall be placed, installed, used or maintained:</p> <p>A. Within five (5) feet of any marked crosswalk.</p> <p>B. Within ten (10) feet of any unmarked crosswalk.</p> <p>C. Within ten (10) feet of any fire hydrant, fire callbox, or other emergency facility.</p> <p>D. Within five (5) feet of any driveway.</p> <p>E. Within five (5) feet ahead of, and fifteen (15) feet to the rear of any sign marking a designated bus stop, measured along the edge of pavement.</p> <p>F. Within two (2) feet of any bus bench, or plaza bench.</p> <p>G. At any location that causes the clear space for passageway of pedestrians to be reduced to less than six (6) feet.</p> <p>H. Where any part of a newsrack is on or within twelve (12) inches of any area improved with lawn or hedges or within three (3) feet of any trees or landscape bed.</p> <p>I. Within three (3) feet of any display window of any building abutting a sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of a window display.</p> <p>J. Within five (5) feet of a building entrance.</p> <p>K. Within two (2) feet of any traffic control</p>	

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
	<p>purpose, or within five (5) feet of a building entrance.</p> <p>J.</p> <p>I On or within two (2) feet of signs, parking meters, street lights or utility poles.</p> <p>K In areas designated as parks or plazas.</p> <p>21.56.320 - Enforcement procedures—Nonconforming newsracks.</p> <p>Within 120 days of the effective date of the ordinance from which this article is derived and at any time thereafter, any newsrack placed at an area prohibited by Section 21.56.310 shall constitute a violation of any provision of this article shall be subject to remedy and due process under the Department of Neighborhood and Environmental Programs.</p> <p>21.56.330 Abandoned Newsracks Section deleted in its' entirety.</p>	<p>signs, parking meters, street light or utility pole.</p> <p>L. In areas designated by the City as parks or plaza</p> <p>21.56.320 – Enforcement</p> <p>A. Any person who places a newsrack at an area prohibited by Section 21.56.310 shall constitute a municipal infraction and the owner shall be subject to a municipal infraction fine in an amount set by resolution of the City Council and the offending newsrack shall be subject to impoundment and a reasonable storage fee at the discretion of the Director of the Department of Public Works.</p> <p>B. The owner of a newsrack who leaves the newsrack empty for a continuous period of thirty (30) or more days shall constitute a municipal infraction and the owner shall be subject to a municipal infraction fine in an amount set by resolution of the City Council and the offending newsrack shall be subject to impoundment and a reasonable storage fee at the discretion of the Director of the Department of Public Works.</p> <p>C. The Department of Public Works shall place a notice of the intent to remove any newsrack placed in violation of this chapter directly on the offending newsrack. The notice shall state that the newsrack is in violation of the chapter, cite the specific violations, advise that the newsrack must be removed within seven (7) days of the date of the notice and that failure to do so will result in impoundment and storage fees, the</p>	

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
		<p>manner in which an impounded newsrack may be retrieved, and that failure to retrieve the newsrack within ninety (90) days of impoundment may result in the City's disposal of the newsrack.</p> <p>D. The Department of Public Works shall store any impounded newsracks pursuant to this chapter for ninety (90) days from the date of impoundment and, if not retrieved by the owner within that period of time, may dispose of it without liability to the owner.</p> <p>21.56.330 - Relinquishment In the event the owner of any newsrack placed pursuant to this chapter desires to relinquish a Certificate of Approval, the owner shall notify the Department of Public Works in writing, completely remove the newsrack and mount within seven (7) days of notification, and restore the mounting surface to a safe condition, leaving no holes or projections to the mounting surface or sidewalk. Failure to remove the newsrack and/or mount within such period shall constitute a municipal infraction and the owner shall be subject to a municipal infraction fine in an amount set by resolution of the City Council and the offending newsrack shall be subject to impoundment and a reasonable storage fee at the discretion of the Director of the Department of Public Works.</p> <p>21.56.340 - Fees. There shall be a fee in an amount established by resolution of the City Council</p>	

<u>SECTION</u>	<u>EXISTING LANGUAGE</u>	<u>PROPOSED LANGUAGE</u>	<u>COMMENTS</u>
		<p>for each newsrack application submitted. Fees shall be used to defray administrative expenses relating to the review of the Certificate of Approval application.</p> <p>21.56.350 – Appeals. Any applicant who has been denied a Certificate of Approval pursuant to the provisions of this chapter may appeal to the Historic Preservation Commission by filing a written notice of appeal with the Chief of Historic Preservation within 15 days of the date of denial. The Historic Preservation Commission shall hold a public hearing to consider the appeal. If the Historic Preservation Commission denies the appeal, the applicant’s right of further appeal shall be governed by Section 21.56.110 of this Code.</p>	

SECTION	EXISTING LANGUAGE	PROPOSED LANGUAGE	COMMENTS
21.62.060 Site Design	<p>Scenic, historic, archaeological and landmark sites and views.</p> <p>Scenic, historical, archaeological and landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected to the maximum extent as practicable through site design, building location, and parking layout. Special consideration shall be given to the impact of projects on views of the Annapolis historic district from the following points:</p> <ol style="list-style-type: none"> <li>1. From Eastport and the City dock; and</li> <li>2. From Truxtun Park; and</li> <li>3. From the Severn River Scenic Overlook; and</li> <li>4. From Rowe Boulevard.</li> </ol>	<p>Scenic, historic, archaeological and landmark sites and views.</p> <p>Scenic, historical, archaeological and landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected to the maximum extent practicable through site design, building location, and parking layout. Special consideration shall be given to the impact of projects on views of the Colonial Annapolis Landmark Historic District to and from the following points:</p> <ol style="list-style-type: none"> <li>1. Eastport and the City dock; and</li> <li>2. Truxtun Park; and</li> <li>3. the Severn River Scenic Overlook; and</li> <li>4. Rowe Boulevard.</li> <li>5. City waters, as that term is defined in city code section 15.02.030</li> </ol>	<p>These are the only revisions recommended outside of Chapter 21.56. The section refers to site design consideration currently utilized and reference simply “the Annapolis historic district”. There could be other historic districts designated so specifying that only the Colonial Annapolis Landmark Historic District is the one referenced in this section provides additional clarity. The language was added regarding “to and from” and referencing “city waters” to address concerns raised in the now adopted City Dock Master Plan regarding viewsheds into and out of the District.</p>